

incorporated in the Preamble, if you will note, covers this point by referring to, I think it is, sections 1, 4, 6 and 7.

Now, we believe that what we have said adequately expresses, in a lot more terse and straightforward language, some of the language that is set forth in the articles of the Declaration of Rights.

DELEGATE J. CLARK (presiding): Delegate Miller.

DELEGATE B. MILLER: My question is where did you say it?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I would just have to refer you to the Preamble where we say all political power originates in the people. It is right there.

DELEGATE J. CLARK (presiding): Delegate Miller.

DELEGATE B. MILLER: Do you consider that the Preamble has the same force as the specific articles of the Declaration?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: The Preamble describes and establishes the direction, the philosophy and the aspirations, the basic concept, yes.

I do not know that the Preamble itself has the effect of law that the Constitution itself has, but it expresses the principles upon which the Constitution is based.

We think this suffices, and after careful consideration we put this in the Preamble rather than in the Declaration of Rights.

DELEGATE J. CLARK (presiding): Delegate Miller.

DELEGATE B. MILLER: I have one more question, Mr. Chairman, because I think this is probably the most important part of the Constitution.

I want to know whether the Committee considers in any way that taking this basic right from the people and putting it in the Preamble is lessening this right of the people?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Delegate Miller, if you had listened specifically to what I said last night, I would hope that you had gotten our philosophy that we felt that this

language clearly and explicitly stated that the government resides originally in the people. We set up a Constitution to do two things—one, to set up an orderly form of government and, secondly, to establish and restate certain basic common freedoms.

We think we have done it in this case. We have no intention of trying to deny or to sidestep this particular point. We feel that we have adequately stated so that the world will know that this constitution is based upon the basic power of the government in the people.

I hope we have succeeded. That is what we had intended to do.

DELEGATE J. CLARK (presiding): Delegate Ulrich.

DELEGATE ULRICH: Mr. Chairman, I suggest the absence of a quorum.

DELEGATE J. CLARK (presiding): The Clerk will ring the bell. The members will indicate their presence by the roll call, please. The Clerk will take the roll.

*(Whereupon a roll call was taken.)*

DELEGATE J. CLARK (presiding): There being a quorum present, the work of the Committee will proceed.

The Chair recognizes Delegate Sherbow.

DELEGATE SHERBOW: The questions being asked are in the realm of debate rather than clarification, and when it reaches this hour on Saturday afternoon with so many of the delegates not available, and when we are taking up what is probably one of the most important areas in the Constitution, may I suggest that the Chairman and the Chairman of the Calendar Committee, Judge Powers, give very serious thought to whether or not we ought not get ready for adjournment.

DELEGATE J. CLARK (presiding): That will be taken into consideration, sir.

Are there any further questions on section 1?

All right, we will go on to section 2. Are there any questions on section 2?

The Chair recognizes Delegate Macdonald.

DELEGATE MACDONALD: Delegate Kiefer, do I understand that with regard to section 2, which is freedom of religion, that it is the intent of the Committee to adopt the rationale and the decision in the Horace Mann case in 242 Maryland?

DELEGATE J. CLARK (presiding): Delegate Kiefer.